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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,128	10/12/2001	Victor B. Goodman	FIL1-BO98	2425

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EXAMINER

BROWN, TIMOTHY M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/977,128	<b>Applicant(s)</b> GOODMAN ET AL.	
	<b>Examiner</b> Tim Brown	<b>Art Unit</b> 3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 10 February 2003.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☒ Claim(s) 1-9, 14 and 15 is/are allowed.

6) ☒ Claim(s) 10, 12 and 13 is/are rejected.

7) ☒ Claim(s) 11 is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
       If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
       a) ☐ All    b) ☐ Some \* c) ☐ None of:  
           1. ☐ Certified copies of the priority documents have been received.  
           2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
           3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
       \* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
       a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____
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### **DETAILED ACTION**

1. This Final Office Action is responsive to Applicant's amendment submitted February 10, 2003 ("Paper 3").

#### ***Claim Objections***

2. The objection to claim 5 has been withdrawn in response to the amendment set forth in Paper 3.
3. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

4. The arguments presented in Paper 3 have been fully considered and are persuasive. The rejection of claims 1-10 has been withdrawn.

#### ***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. **Claims 10, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bezos et al. (US 6,029,141) ("Bezos").**

Bezos teaches the limitations of claim 10 as follows:

"[a] internet-based [sic] system for implementing a remote transaction between a host site and a retail site, the system comprising:

a retail system configured to provide information on products or services provided by a retailer, the retail system including a retailer web page and software to recognize when a customer has been routed to the retailer web page from a host web site [Abstract], the retail system further comprising:

Art Unit: 3625

an order receiving system for receiving order information placed by a consumer [Abstract],

a payment information transferring system for transferring the payment information to a host site provider [col. 7, lines 30-40], and

a host site system, including the host web site, configured to provide a link to a portion of the retailer web page [Abstract], the host site system further comprising:

an information request system for requesting information received by the order receiving system [col. 14, lines 38-51]; and

payment collection system for receiving payment from a consumer [col. 13, lines 1-8].”

Regarding claim <sup>12</sup>~~11~~, Bezos further teaches a database system for storing information collected from the vendor web site. Col. 10, lines 50-67.

Regarding claim 13, Bezos further teaches a status system configured to determine a status of an order. Col. 12, lines 42-52; and Col. 16, lines 11-42.

***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-9

7. Bezos discloses an Internet-based referral system that enables vendors to market products in return for a sales commission. Bezos allows associates and vendors to establish an agreement whereby associates earn a commission for each customer referral that results in a sale for the vendor. According to Bezos, the vendor collects payment from the customer and credits the account of the referring associate. The associate is identified by a URL that is transmitted to the vendor when the customer navigates from the associate's website to the vendor's website. See Abstract.

The invention of claim 1 is also directed to an Internet-based referral system. However, Bezos fails to teach: "arranging with a cooperating vendor web site to accept payment from the host web site in return for the vendor web site's fulfillment of a customer purchase request . . . ;" "transferring customer's payment information from the vendor web site to the host web site . . . ;" and "collecting the funds for the transaction by the host web site using the customer's payment information." Unlike the invention of claim 1, Bezos has the fulfilling vendor, and not the host site, collect funds for the transaction. Thus, neither Bezos nor the references of record anticipate or render obvious the invention of claim 1.

Claims 2-9 depend upon claim 1 and therefore derive patentability from claim 1.

Claim 11

8. Bezos does not teach "a payment system to transfer funds from the host site system to the retail system" as recited in claim 11. As discussed above, Bezos provides that funds are collected by the vendor and distributed to referring associates as commission. Thus, Bezos nor the references of record anticipate or render obvious the invention of claim 11.

Claims 14 and 15

9. Bezos fails to teach "a host system, including a host website, for receiving payment from a consumer . . . " as recited in claim 14. Rather, Bezos provides funds are collected by the vendor and distributed to associates as commission. Abstract. Therefore, neither Bezos nor the references of record anticipate or render obvious the invention of claim 14.

Claim 15 depends upon claim 14 and therefore derives patentability from claim 14.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Brown whose telephone number is (703) 305-1912. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Tim Brown  
Examiner  
Art Unit 3625

TB  
May 4, 2003



Jeffrey A. Smith  
Primary Examiner